

ALJ/emk/md

Decision 84 06 026

JUN 6 1984

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of M.L. Hammond)
 to deviate from mandatory)
 requirements for underground)
 utility extensions in Running)
 Springs, Tract #12602, San)
 Bernardino County, California.)

Application 84-04-117
 (Filed April 24, 1984)

O P I N I O N

Applicant M. L. Hammond, on behalf of M.C.R. Development, Inc., a California corporation, requests an exemption from Southern California Edison Company's (Edison) Rule 15 mandatory undergrounding requirements in the development known as Rimwood Estates, Tract 12602, located in San Bernardino County.

Tract 12602 consists of approximately 116 acres subdivided into 20 lots, each of which is larger than five acres and which cannot be further subdivided. The tract is located in a sparsely populated mountainous area of San Bernardino County. It is approximately 15 miles from the incorporated city of San Bernardino, one-half mile from the unincorporated community of Running Springs, and three-fourths mile from the unincorporated community of Arrowbear.

Applicant alleges that existing overhead power lines run through the full length of the property. Those overhead lines are the distribution lines of Edison which supplies electricity to 230 one-acre lots contiguous to applicant's tract. Applicant alleges that nine of the twenty parcels in the tract can be serviced from the existing overhead power lines.

The remaining 11 parcels would require one 500-foot extension, two 600-foot extensions, two 700-foot extensions, and one 900-foot extension for a total of six extensions not exceeding a total of 4,000 feet. Gas is to be provided to the tract by Southern California Gas Company (SoCal) which has one-half of the required gas lines already in place within Tract 12602. SoCal has informed applicant that it does not wish to share its trench for any remaining lines to be installed. There are no sewer lines nor water lines to be installed. Continental Telephone Company has informed applicant that it has no objection to placing its telephone lines on overhead power poles. Applicant states that there is no possibility that the project in question may have a significant adverse effect on the environment according to a determination made by a County environmental hearing officer on January 31, 1984. ✓

San Bernardino County (County) Code Section 88.0130(d) (3)(A) requires that utility lines be placed underground and that waiver of the requirements for underground utilities should be made through the Public Utilities Commission (PUC). According to County's Counsel, there is no authority for the County to waive these requirements and that waiver must be obtained from the PUC. However, County's Planning Commission on February 16, 1984 and County's Board of Supervisors on March 26, 1984 both recommended to the PUC that Tract 12602 be exempted from underground requirements.

The tract for which exemption is requested is not near any designated scenic highways or state or national park, and the new overhead lines would not be visible from any scenic highways or state or national park. According to applicant,

Edison has indicated that the cost of providing underground service will be \$136,000 and the cost of overhead service will be approximately \$15,000.

Applicant alleges that he meets all the conditions of Edison's Rule 15 for exemption from mandatory underground utilities except for the local county ordinance. County contends that any waiver must come from PUC. The Board of Supervisors, by resolution has recommended that PUC waive the undergrounding requirements in this case. Applicant alleges that the cost of providing underground service compared to overhead service presents an extreme economic burden and hardship on the developers of the tract.

Findings of Fact

1. Tract 12602 is located in a sparsely populated mountainous area, 15 miles from the City of San Bernardino, one-half mile from the unincorporated community of Running Springs, and three-fourths mile from the unincorporated community of Arrowbear.

2. Each of the 20 parcels in this tract is five acres or larger, and each parcel is prohibited from further subdivision.

3. Tract 12602 is not near any designated scenic highways or state or national park, and the requested overhead lines will not be visible from any scenic highways or state or national park.

4. The cost of providing underground service will be approximately \$136,000 versus \$15,000 for overhead service.

5. County has an ordinance which requires undergrounding of utility lines and that any waiver of such requirements should be made through the PUC.

6. On March 26, 1984 County's Board of Supervisors passed a resolution in which it recommended that the PUC waive the underground requirement for utilities in Tract 12602.

7. Overhead power lines currently run through the full length of Tract 12602.

Conclusions of Law

1. Since County has recommended that this Commission waive the underground utility requirements for Tract 12602, and since the tract meets all the other required conditions for exemptions from Edison's Rule 15 for exemption from underground utility requirements, the application should be granted.

2. A public hearing is not necessary.

O R D E R

IT IS ORDERED that:

1. M. L. Hammond is granted a waiver from the mandatory undergrounding provisions of Southern California Edison Company's tariff Rule 15 for Tract 12602, San Bernardino County.

2. The application is granted as set forth above.

This order becomes effective 30 days from today.

Dated JUN 6 1984, at San Francisco, California.

LEONARD M. CRIMES, JR.
President

VICTOR CALVO
DONALD VIAL
WILLIAM T. BAGLEY
Commissioners

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY.

Commissioner Priscilla C. Grow,
being necessarily absent, did
not participate


Joseph E. Bodovitz, Executive Director

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